

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BILLIE JEROME ALLEN,)	
)	
Movant,)	
)	
vs.)	Case No. 4:07-CV-27(ERW)
)	MOTION TO VACATE
UNITED STATES OF AMERICA,)	CAPITAL CASE
)	
Respondent.)	

ORDER

This matter is before the Court on movant's motion for appointment of counsel [Doc. #1].

Pursuant to 18 U.S.C. § 3006A(a)(2)(B), and 18 U.S.C. § 3599(a)(2), the Court will grant movant's motion for appointment of counsel. See also McFarland v. Scott, 512 U.S. 849, 854 (1994) (concluding that 'post conviction proceeding' within the meaning of 21 U.S.C. § 848(q)(4)(B) is commenced by the filing of a capital defendant's motion requesting the appointment of counsel for his federal habeas corpus proceeding). The Court further finds that Ms. Elizabeth Unger Carlyle and Mr. Joseph Cleary either satisfy the requirements of § 3599(c) or have the background, knowledge, or experience that would enable them to represent movant under § 3599(d).¹

¹The Court notes that Mr. Cleary applied and has been approved for admission to the bar of this Court as a regular member.

In accordance with the foregoing,

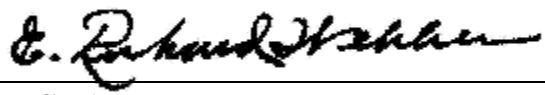
IT IS HEREBY ORDERED that movant's motion for appointment of counsel [Doc. #1] is **GRANTED**.

IT IS FURTHER ORDERED that Ms. Elizabeth Unger Carlyle, P.O. Box 962, Columbus, Mississippi 39703, telephone number (816) 764-1240, and Mr. Joseph Cleary, 1455 N. Pennsylvania, Indianapolis, IN 46202, telephone number (317) 630-0137, are hereby appointed as counsel for movant.

IT IS FURTHER ORDERED that the appointment for both Ms. Carlyle and Mr. Cleary is made nunc pro tunc to January 8, 2007.

IT IS FURTHER ORDERED that the Clerk of Court shall provide appointed counsel with a copy of the complete Court file.

Dated this 1st day of March, 2007



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE